

Governor's Juvenile Justice Advisory Council 2019 Annual Report

The United States Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act in 1974. It has been amended on several occasions, was reauthorized in 2002, and just most recently reauthorized in December 2018 by the Juvenile Justice Reform Act of 2018 (JJRA). The Act has served as a major reform measure for juvenile justice in the United States and has redirected resources toward more innovative approaches to juvenile justice, emphasizing prevention and early intervention rather than simply focusing on the handling of juvenile delinquents. The core principles of the Act seek to: (1) remove status offenders (runaways, violations of curfew, truants and incorrigibles, etc.) from secure facilities; (2) separate juveniles from adult offenders in all placements, whether being treated as juveniles or as adults if transferred to the criminal courts; (3) remove all juveniles from adult detention facilities; and (4) reduce or eliminate disparities in the juvenile justice system for racial and ethnic minorities. In each participating state, the Act requires the creation of an advisory group to inform the Governor and other elected officials about juvenile justice and other related matters. The Act has strict requirements for the membership of the State Advisory Group.

The advisory groups in each state and territory assist and guide elected officials in addressing juvenile-related issues. The Coalition for Juvenile Justice (CJJ) assembles the State Advisory Groups in a national cooperative effort to exchange knowledge, innovations, and data; develop consensus for national juvenile justice policy; and promote advocacy for youth in the juvenile justice system.

Created by South Carolina statute (Section 23-4-210) in 1975, the South Carolina Governor's Juvenile Justice Advisory Council (GJJAC) is charged with the responsibility of advising policy makers on the state level about the needs of children and the juvenile justice system. The GJJAC consists of volunteer private citizens with an abiding interest and training in children's issues, and representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention, as well as system-involved youth and young adults. *System-Involved Youth* are defined by the Juvenile Justice Reform Act as members under age twenty-eight who have been or are currently under the jurisdiction of the juvenile justice system. With the assistance of the Governor's Office, the GJJAC has achieved compliance with this membership requirement, and is confident that the requirement will not become problematic again. The December 2018 reauthorization of the Act now requires state advisory groups to include at least one member with expertise in Native American tribal government, and at least one member with expertise in trauma informed care for juveniles. The GJJAC has recommended these new member appointments to the Governor's office and expects to be in compliance with this requirement once the persons are appointed by the Governor. States with advisory groups that are found to be out of compliance with membership requirements are ineligible to receive Federal Funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The GJJAC works toward the welfare of all youth, supports community efforts to build safe communities, recommends improvements in juvenile justice services, and offers technical assistance to state and local agencies in the planning and implementing of programs to improve the juvenile justice system. The GJJAC believes that keeping children out of the juvenile justice system through delinquency prevention and early intervention programs is critical to improving both the juvenile justice system and the quality of life for all of South Carolina's citizens.

The GJJAC continues to support the concept of balanced and restorative justice. This concept incorporates concern for public safety, accountability of the offenders to the victim(s) and the community, and the need to build skills in the juvenile offender. This strategy recognizes the importance of early intervention as a component of both prevention and graduated sanctions, as well as the need to increase alternatives to detention, improve youth education, and increase employment opportunities.

The GJJAC has been actively involved in keeping youth charged with non-criminal misbehavior from being detained with violent juvenile offenders, and has proposed a variety of successful programs (through grant funded programs), which hold juvenile offenders accountable for their behavior. The new requirements of the Act, coupled with our state's systemic inability to fully comply with its previous version, impose an even more pressing challenge for the GJJAC.

GJJAC members strive to increase the effectiveness of the Council by delivering information on proven programs, policies and practices, and educating state and local policy makers on juvenile justice issues. The Council increases public awareness of prominent issues in juvenile justice through its communications and publications, as well as by developing and implementing innovative strategies to prevent and reduce delinquency.

The JJDP Act as reauthorized in 2018 requires compliance with the following federal core principles:

- a. Prohibits the placement of status offenders (youth who commit acts which would not be offenses if committed by adults, such as runaways or truants,) in secure detention or correctional facilities;
- b. Prohibits the detention or confinement of youth in any institution in which they have contact with adult persons who are incarcerated upon conviction of a crime or adult persons awaiting trial on criminal charges (otherwise known as sight and sound separation);
- c. Prohibits the placement of youth in any adult jail or lockup except for limited times before or after a court hearing not to exceed six hours, or in rural areas for 24 hours excluding weekends and holidays, while maintaining sight and sound separation;
- d. Requires that disproportionate representation of minority children in the juvenile justice system be addressed at all points in the juvenile justice system, in a core requirement now known as reduction of Racial and Ethnic Disparity (RED), coupled with a comprehensive assessment of the phenomenon in each state.

For FFY 2019, South Carolina was found out of compliance with the Deinstitutionalization of Status Offenders (DSO) core requirement of the JJDP Act as determined by FFY 2018 data. As a result, South Carolina received 80% of its FFY 2019 Formula Grant award, and will be required to allocate 50% of the award towards programs and services designed to focus on DSO. Changes in the 2018 reauthorization of the JJDP Act will affect the above core principles, and other areas of the Act that will impact the juvenile justice system in South Carolina beginning in FFY 2019.

The GJJAC has been vigilant in obtaining a complete explanation of the changes to the Act, and how they will affect South Carolina, from the OJJDP. The GJJAC anticipates updating the State Three Year Plan, submitted to the OJJDP, and making additional recommendations for system improvement as information is disseminated to the states from the OJJDP.

In 1996, the state enacted legislation that would allow secure confinement of status offenders, status contemnors and status probation violators to be committed to the custody of the Department of Juvenile Justice (DJJ) or to a secure evaluation center operated by DJJ for a determinate period not to exceed ninety days. Efforts to deinstitutionalize status offenders have been and continue to be made by the South Carolina Department of Juvenile Justice and include implementing non-secure alternative programs throughout the state and providing a risk and needs assessment instrument to judges, solicitors, public defenders, and SCDJJ staff for use at the pre-adjudicatory detention, intake disposition, and commitment stages of the juvenile justice system. In FFY 2018 South Carolina was deemed as in compliance with Section 223 (a)(11) of the JJDP Act (the “deinstitutionalization of status offenders” or “DSO” requirement).

South Carolina has achieved full compliance with the sight and sound separation requirement of Section 223(a)(12) of the JJDP Act for FFY 2019, and assures that adequate plans and resources are available to maintain full compliance. South Carolina further assures that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. Separation of juveniles from adult offenders is a matter not only of state law, but is included in the South Carolina Constitution, at Article XII, Section 3.

For FFY 2019, South Carolina is in compliance with the Jail and Lockup Removal requirement of Section 223(a)(13) of the JJDP Act. As of September 30, 2013, the Greenville County Juvenile Detention Center, which used juvenile justice grant funding for equipment purchases during renovation, began its official operation of detaining juveniles. All juveniles, juvenile files, and juvenile offices have been removed from the Greenville County Adult Detention Center. The Compliance Monitor completed a site monitoring visit in July of 2019, and determined that the facility continues to maintain compliance. South Carolina has minimal jail removal violations and remains in compliance with this core requirement.

With the change to RED from Disproportionate Minority Contact (DMC) by the JJRA South Carolina is required to report additional data to identify disparities. The South Carolina Department of Public Safety (SCDPS) has worked with the SCDJJ and other system stakeholders in order to collect the new data. Although there is no state law that specifically addresses this core principle, legislation passed in the summer of 2006 requires law enforcement agencies to report data to the SCDPS including race, age, and gender for each justice system contact point. In 2016, SCDJJ hired a part-time DMC Coordinator to facilitate efforts identified by the GJJAC to lower the rates of DMC in targeted counties. Currently, that position is being reevaluated by the SCDJJ to determine the position’s role in RED efforts. Additionally, the DMC committee of the GJJAC has now been reorganized as the System Improvement (SI) committee and meets on a regular basis. This committee reports its ongoing efforts to the full GJJAC, and continues to look for viable solutions to address the RED issue in South Carolina. Additionally, the SI committee is developing ideas to implement statewide efforts to reduce DSO, update the current 3-yr State Plan, and begin

drafting the narrative for the FFY2020 State Plan. The Chair of the SI committee attended the 2019 CJJ RED National Training Conference along with the state Juvenile Justice Specialist/Compliance Monitor in June.

A portion of JJDP Act funds allocated to the states by the federal Office of Juvenile Justice and Delinquency Prevention is used to provide administrative support, compliance monitoring, and program grant administration for the State Advisory Groups. In South Carolina, this support is provided by the South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs.

The GJJAC also recommends juvenile justice grant applications to the South Carolina Public Safety Coordinating Council for award or denial. The GJJAC recommended and received approval to fund five Title II Formula grant applications in FFY 2019. Three projects were awarded to state agencies (SCDJJ, and the University of South Carolina received two awards), one to the Fifteenth Circuit Solicitor's Office, and one to the non-profit organization Healing Species. The 2019 Title II Formula projects address the DSO core requirement, alternatives to detention, DMC, and the Prison Rape Elimination Act.